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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

NGUYEN, STEVEN H D

ART UNIT

PAPER NUMBER

2665

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/517,903

Applicant(s)

ROGERS ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 32-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to a method of transmitting a packet structure that do not fall within any of the four categories of statutory subject matter of 35 U.S.C. § 101. The claimed invention is not limited to a practical application. Viewed as a whole, the claimed invention merely expression of the structure of a packet. It does not impart any function to the processing system, i.e., the claimed invention is not practical applied. Instead, the claimed invention merely describes structure of a packet in the network. The claimed mathematical functions are clearly not a process because they do not have any limitation to a practical application. The other three § 101 classes of machine, compositions of matter and manufactures can be group as product claims, and the product classes have required physical structure or material. The claimed structure of the packet does not itself perform any useful concrete and tangible result, i.e., no post solution activity, and thus does not fit within the definition of a machine. In addition, the claimed structure of the packet is an abstract construct; therefore, the claimed structure of the packet does not fall within the product classes, machine and composition of matter.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 5-11, 13-23 and 26-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Curry (USP 6078582).

Regarding claims 1-2, 20, 28 and 31-34, Curry discloses (Fig 6-11 and col. 1, lines 10 to col. 17, lines 21) an apparatus for use in a telephony system comprising a digital interface for communicating with a stimulus device (Fig 6, Ref 72A has an digital interface for communicating with telephone 64A); a packet interface for communicating with a packet-based network (Fig 72A has packet interface for communicating with internet 74); and a controller (Fig 7-8 has a controller for encapsulating the received signaling message into a internet packet for transmitting via internet, See Abstract and Fig 9A, Ref 130) to receive stimulus control information from the digital interface and to encapsulate the stimulus control information into one or more packets for transmission over the packet-based network through the packet interface.

Regarding claim 5, Curry discloses the controller adds a destination address of a telephone switch system into the one or more packets (Col. 15, lines 15-44, IP address of destination gateway 72B).

Regarding claim 6, Curry discloses the controller adds a destination address of a stimulus telephone into the one or more packets (Col. 15, lines 15-44, calling number).

Regarding claims 7-11 and 22-24, Curry discloses the stimulus control information is according to a first stimulus language, and wherein the stimulus control information remains in the first stimulus language after encapsulation which performs by adding a header using TCI/IP

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protocol (Col. 15, lines 15-44, the received signaling message is encapsulated into IP packet without translating the received signaling message into a different form).

Regarding claims 15, 19, 21, 29 and 30, Curry discloses comprising a receiver (Fig 6, Ref 72B) to receive the one or more packets, the receiver including an element to decapsulate the one or more packets to extract the stimulus control information for transmitting to interface which couples the stimulus device (Fig 9A, Ref 132, the destination gateway decapsulating the packet to obtain the signaling message for sending to the interface which couples to the stimulus device).

Regarding claim 16, Curry discloses the receiver is associated with a second stimulus device, and wherein the extracted stimulus control information is in a native stimulus language of the second stimulus device (Fig 6, Ref 72B decapsulates the packet to obtain the signaling message and 64B is the second stimulus device).

Regarding claims 17-18, Curry discloses the stimulus control information includes at least one of hook state information, display information, and key press event information and a command selected from the group consisting of a handset volume control command, a handset connect/disconnect command, an audio stream open/close command, and a ringer activation command (Col. 14, lines 9-17 and Fig 9, 136 and 146).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 12-14 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curry (USP 6078582).

Regarding claims 3-4, Curry does not disclose the digital interface is UART or time compression multiplexing interface. However, the examiner takes an official notice that both the concept and the advantages of an UART and TCM interface are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply these interfaces into a gateway for receiving and transmitting a signal.

Regarding claim 12-14 and 25-27, Curry does not disclose the claimed invention. However, the examiner takes an official notice that both the concept and the advantages of UDP header, scrambles the stimulus message before encapsulating and encrypts the packet are well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply these interfaces into a gateway for receiving and transmitting a signal. The motivation would have been to provide a reliable and security for packets which transmits via Internet.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turock (USP 6243373) discloses a method for sending a signaling message via Internet network.

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Jangi (USP 5666357) discloses a method of transmitting DTMF tone in packet.

Levens (USP 6226303) discloses a method of transmitting DTMF tone in packet.

Wildfeuer (USP 6298055) discloses a method of transmitting DTMF tone in packet.

Kozdon (USP 6385192) discloses a method of transmitting DTMF tone in packet.

Naudus (USP 6259691) discloses a method of transmitting DTMF tone in packet.

Verthein (USP 6487196) discloses a method for generating a dialing sound as dialing sound of POTS for inserting into Internet packet for transmitting via Internet.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
March 19, 2003